

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

William Branch
Plaintiff

v.

CO Russian, et al.
Defendants

No. 1:CV 01-1728

FILED
HARRISBURG

OCT 09 2001

MARY E. D'ANDREA, CLERK
Per 915
DEPUTY CLERK

**DEFENDANTS' MOTION FOR ENLARGEMENT OF
TIME WITHIN WHICH TO RESPOND TO THE COMPLAINT**

Defendants, by their attorneys, hereby move pursuant to Fed.R.Civ.P. 6(b) for an enlargement of time within which to respond to the complaint in the above-captioned case. In support of this motion, the defendants state the following:

1. This is a civil rights action by a pro se state prisoner alleging a number of complaints including retaliation, denial of court access, and denial of due process.
2. The complaint was filed on May 21, 2001 and service of the summons was waived on September 11, 2001.
3. Under Rule 4, defendants' response to the complaint is due on October 9, 2001.
4. Counsel for the defendants has not yet received the documentation requested from SCI-Waymart which is necessary to determine whether plaintiff

has exhausted administrative remedies as mandated by the PLRA. Without the requested documentation, it is not possible for counsel to make a reasoned decision as to the appropriate response to the complaint.

5. Counsel for the defendants will be out of the Office October 10-12, 2001 attending depositions in Scranton in another case and so will be unable to work on this case until Monday, October 15, 2001.

6. Counsel for the defendants anticipates that she will have the documentation she needs and be able to respond to the complaint if given an additional seven days or until October 16, 2001 within which to do so.


7. Defendants therefore ask the Court to enlarge to October 16, 2001 the time for responding to the complaint.

8. Plaintiff will not be unduly inconvenienced if defendants are granted an enlargement of time.

WHEREFORE, defendants ask the Court to grant their motion and enlarge to October 16, 2001 the time for responding to the complaint.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: 
GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

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15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-1180

DATE: October 9, 2001

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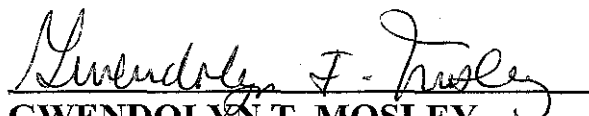
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CERTIFICATE OF SERVICE

I, **GWENDOLYN T. MOSLEY**, Senior Deputy Attorney General
for the Commonwealth of Pennsylvania, Office of Attorney General, hereby
certify that on **October 9, 2001**, I caused to be served a true and correct copy of
the foregoing document **Defendants' Motion for Enlargement of Time Within
Which to Respond to the Complaint** by depositing it in the United States mail,
first-class postage prepaid to the following:

William Branch, CF-3756
SCI-Waymart
P.O. Box 256
Waymart, PA 18472


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General